

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EARL WHEBY, JR., Individually and On Behalf)
of All Others Similarly Situated,)
)
)
Plaintiff,) Case No. 1:18-cv-01794-CFC
)
)
v.)
)
ENDOCYTE, INC., JOHN C. APLIN, COLIN)
GODDARD, MARC KOZIN, PHILIP S. LOW,)
PATRICK MACHADO, FRED A.)
MIDDLETON, LESLEY RUSSELL, MIKE A.)
SHERMAN, and DAWN SVORONOS,)
)
)
Defendants.)

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), plaintiff Earl Wheby, Jr. ("Plaintiff") hereby voluntarily dismisses the above-captioned action (the "Action") without prejudice. Defendants have filed neither an answer nor a motion for summary judgment in the Action. *See id.* Additionally, no class has been certified in the Action, and no class members will be bound or affected by this Notice. *See Fed. R. Civ. P. 23(e).* Therefore, Plaintiff's dismissal of the Action is effective upon the filing of this Notice, and notice to the putative class is not required.

Dated: December 19, 2018

RIGRODSKY & LONG, P.A.

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